

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JESUS QUINTANA-QUINTANA,  
Plaintiff,

vs.

No. 16-CV-01350 JAP/KRS

GURJAN SINGH and  
DAY & NIGHT TRUCKING COMPANY,  
Defendants.

**ORDER OF DISMISSAL**

On July 30, 2018, the Court entered an Order (Doc. 80) granting a motion of attorney David Ray Rosales to withdraw as counsel for Plaintiff Jesus Quintana-Quintana. On the same date, the Court entered an Order (Doc. 79) requiring Plaintiff to obtain new counsel who must have entered an appearance by September 4, 2018. The Order specified that if the Plaintiff was unable to obtain counsel, Plaintiff was to appear *pro se* and to respond to the four outstanding motions<sup>1</sup> in this case by September 10, 2018. The Order gave Plaintiff notice that a failure to comply with the Court's rulings would lead to a dismissal of this case. As of September 14, 2018, Plaintiff has not obtained new counsel, nor has Plaintiff responded to the outstanding motions.

IT IS THEREFORE ORDERED THAT:

1. DAY AND NIGHT TRUCKING COMPANY'S MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING COUNTS II, III, & IV OF PLAINTIFF'S COMPLAINT (Doc 69) is GRANTED;

---

<sup>1</sup> See DAY & NIGHT TRUCKING COMPANY'S MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING COUNTS II, III, & IV OF PLAINTIFF'S COMPLAINT (Doc. 69); DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE AND FOR SANCTIONS PURSUANT TO RULE 37(c) FRCP (Doc. 70); DEFENDANTS' JOINT MOTION TO DISMISS PLAINTIFF'S CLAIMS FOR LOST WAGES AND LOSS OF EARNING CAPACITY (Doc. 71); DEFENDANTS' JOINT MOTION TO EXCLUDE TESTIMONY BY PLAINTIFF'S PROPOSED EXPERT WILLIAM REHM (Doc. 72).

2. DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE AND FOR SANCTIONS PURSUANT TO RULE 37(C) FRCP (Doc. 70) is GRANTED as to the motion to dismiss and DENIED as to the request for sanctions;

3. DEFENDANTS' JOINT MOTION TO DISMISS PLAINTIFF'S CLAIMS FOR LOST WAGES AND LOSS OF EARNING CAPACITY (Doc. 71) is GRANTED;

4. DEFENDANTS' JOINT MOTION TO EXCLUDE TESTIMONY BY PLAINTIFF'S PROPOSED EXPERT WILLIAM REHM (Doc. 72) is GRANTED

5. This case is DISMISSED WITH PREJUDICE for failure to comply with the Court's Order (Doc. 79).

  
SENIOR UNITED STATES DISTRICT JUDGE